

REMARKS

In response to the Examiner's comments and election requirements, Claims 1-9 have been amended and Claims 10-16 have been withdrawn. No new subject matter has been added.

Claims Rejections**35 U.S.C. 102(b) Rejection**

The Examiner takes the position that claims 1-9 are unpatentable over U.S. Patent No. 3,797,324 issued to Sheesley. The Examiner takes the position that Sheesley shows a basket housing 85 including an opening for receiving rod 41, roller 90 constituting an abutment for limiting lateral displacement, means for retaining torsion arm 61 being the bore in the housing that receives pin 91, and means for securing rod 41 to housing 85 being in the form of screw threads.

Reconsideration is respectfully requested for the reasons set out below.

The block 85 of the actuator taught by Sheesley is not a basket as the term is known in the art. The term "basket" as used in the field of railroad switches refers to a lost motion device. The basket is intended to take up some of the throw from the switch by providing a pre-determined amount of unrestricted movement of the arm or rod. The basket, as discussed in paragraph 4 of the published application, "enables a signal maintainer to adjust both the initial position and the throw of the switch rod to account for differing design applications of the rods and the total linkage length of the rod and to compensate for differing design locations of the switch machine in relation to the switch point."

Referring to Fig. 8 and as discussed in paragraph 0042 of the present application, it can be seen that the basket has an opening having a neck 105. The opening travels laterally through the basket enabling the passage therethrough of the threaded rod 102. Elongated conical nuts 108, 110 are threaded unto the throw rod. Lateral displacement of the rod 102 through the opening is limited when either of nuts 108 or 110 (depending on the direction of lateral displacement) come into contact with neck 105 of the basket. This design allows the rod 102 to slide unrestricted some predetermined but adjustable distance through the basket before the basket will engage to actuate movement of the switch rods in response to any throw of the switch machine.

The Examiner will therefore appreciate that Sheesley's block 85 and roller 90 is not a basket as the term is understood in the art and intended in the claims.

Nonetheless, in order to further clarify one of the distinguishing features of the invention over Sheesley, claims 1-9 have been amended to characterize the basket as a "lost motion basket". In addition, claim 1 has been further amended by adding the limitation that the basket comprises "an opening in said housing, said opening travelling laterally through said housing for allowing partial unimpeded lateral displacement of a rod or bar therethrough" and that there is "at least one abutment in said opening for limiting lateral displacement through said opening". A similar amendment was made in claim 5.

The applicant respectfully submits that the amended claims sufficiently distinguish the present invention from that taught in Sheesley. As claims 2-4 and 6-9 are dependent on claims 1 and 5 respectively, the applicant respectfully submits that these dependent claims are also allowable over Sheesley.

CONCLUSION

The Applicant submits that the claims are in condition for allowance and respectfully requests that a Notice of Allowance be issued in this case.

Date: September 15, 2004

Respectfully submitted,



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